

JUN 16 1997

Before the
Federal Communications Commission
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems and Their)
Impact Upon the Existing Television)
Broadcast Services)

MM docket 87-268

Fifth and Sixth Reports and Orders

**Petition for Reconsideration Submitted
by the National Translator Association**

The National Translator Association (NTA) is a non-profit volunteer organization dedicated to the preservation of free over-the-air TV in all areas of the United States. It wishes to call the Commission's attention to four minor issues that were discussed in the Fifth and Sixth Reports and Orders but not fully brought to a conclusion. It is the NTA's opinion that providing guidance in these areas will contribute to a smoother transition to digital television.

In accordance with the special permission which we understand was granted by the Commission and because the requests herein do not clearly relate to one of the R & O's to the exclusion of the other a consolidated petition is being filed.

Timing of Eligibility for Displacement Relief

In both the Fifth and Sixth Reports and Orders the Commission indicates it intends to require the conversion to digital broadcasting to proceed at a rapid pace¹. It acknowledges that many translators (and originating LPTV stations which operate under the same rules and are similarly affected) will be impacted. The Commission provides assurance of relief, to the extent possible, through displacement applications². However, the specific time when a translator or LPTV station is considered displaced is not defined.

¹For instance Fifth R & O: ¶'s 18,76 and 83 to 93 incl.

²The Sixth R & O, ¶ 144 states "We are adopting our proposal to allow low power stations that are displaced by new DTV stations to apply for a suitable replacement channel in the same area without being subject to competing applications."

Under some circumstances translator licensees will prefer to make a change at a relatively late time. In other circumstances the translator licensee may find that he can make the best of a bad situation by making a change early on.³ It should not be necessary to wait for a displacement causing DTV construction permit to be issued before a translator can file for displacement relief.

The NTA requests that a well defined time or triggering event establishing when a translator is eligible to submit a displacement application be spelled out in detail.

In order to provide the greatest flexibility the NTA suggests that "displacement applications" be accepted based upon the DTV allotments in Table 1 of the Sixth R & O. More specifically we request that if one or more stations, following the parameters in this table, would create a displacement requirement when put into operation then the potentially displaced translator be allowed to file a "displacement application" at any time after the Commission takes favorable action on this request.

Further given the numerous references in both the Fifth and Sixth R & O's to quickly recovering channels 60 to 69 there will be many instances where a prudent translator licensee will want to change one or more translators in this range to a lower channel.

Translators on channels 60 to 69 should have the immediate displacement privileges on a par with specifically displaced translators.

The above request refers to translators because they are the specific concern of the NTA. However, presenting the request in the name of translators is not meant to ask for special treatment for them, rather the actions requested should apply to all LPTV stations.

NTSC Receivers Should Continue to Tune Through Channels 60 to 69

While the NTA continues to hope against hope that channels 60 to 69 will remain fully a part of the TV spectrum during the transition period, there are numerous references in both Reports and Orders that indicate the Commission has already made up its mind to reclaim this part of the spectrum before the transition to digital is complete.

When channels 70 to 83 were removed from the TV band, in spite of a mandate in earlier years that UHF translators be built only on these channels, translators were not required to move to a lower channel until actual interference to or from the new users developed. However, channels 70 to 83 quickly began to disappear from the tuning range of newly manufactured TV sets and viewers living in translator areas who purchased new sets could not tune to the translator channels.

³For example some translators and antennas are twenty or more years old and approaching replacement time. It would generally make more economic sense to change to a new channel coincidentally with the replacement of equipment if a change of channel will predictably be required at some point in the transition process.

The Commission notes that ⁴

“ the All Channel Receiver Act authorizes us to require that television receivers be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting”

The NTA urges the Commission to include a policy statement in the record to the effect that no matter what the outcome of the “core spectrum” debate, channels 60 to 69 will be considered in the “frequencies allocated by the Commission to television broadcasting” for purposes of defining the required tuning range of receivers usable with NTSC signals.

Status of Channels Tentatively Reserved for
Land Mobile Use in General Docket 85-172

This docket lists a total of forty TV channels in eight cities which were considered as candidates for assignment to land mobile services.⁵ Even though these reservations have been in limbo for many years there has been an informal policy at the Commission which requires protection of these channels just as though they had actually been assigned to land mobile use. Translators and LPTV stations must provide protection to these channels based upon a fifty mile radius from the associated city coordinates. The required protection includes limits on adjacent channel use as well as cochannel.

The “Table of DTV Allotments” ignores these tentative land mobile reservations and by implication has abandoned the idea put forth in General Docket 85-172.⁶ The release of these channels from the informal and unpublished freeze would provide considerable relief for translators and LPTV stations which are being displaced in major metropolitan areas.

⁴Fifth Report and Order in this docket, ¶107

⁵Notice of Proposed Rulemaking in General Docket 85-172, ¶ 29, lists the following candidate channels for possible assignment to land mobile use: New York - channels 19, 27, 33, 34, and 28; Los Angeles - channels 26, 32, 36, 48, 42, 60 and 66; Chicago - channels 41, 47, 64 and 68; San Francisco - channels 18, 24, 28 and 34; Philadelphia - channels 26, 32, 42 and 46; Washington, DC - channels 36, 30, 39 and 35; Houston - channels 16, 41, 35, 63, and 69; and Dallas - channels 17, 41, 35, 66 and 62.

⁶Sixth Report and Order, Appendix B, pgs B-7 ff. The following DTV channels have been assigned in conflict with these tentative land mobile reservations: New York - channels 28 and 33; Los Angeles - channels 36, 43, 65 and 66; Anaheim, CA - channel 32; Ontario, CA - channel 47; Riverside, CA - channels 69; San Bernardino, CA - channels 26 and 61; Ventura, CA - channel 49; Dallas - channels 35 and 40; Arlington, TX - channel 42; and Fort Worth - channel 41.

The NTA urges the Commission to make it clear that these channels "frozen" from translator and LPTV use in the vicinity of the associated cities will henceforth be treated like any other channels, i.e. they may be used by translators or LPTV stations subject only to the general non-interference requirements of §74.705, 74.707 and 74.709 of the Commissions rules.

Adjacent Channel Operation Involving Translator/ LPTV Stations

The Sixth Report and Order requires that in the case of adjacent channel operation with a DTV station immediately above an NTSC station the carrier frequencies of the two stations "be locked to a common reference frequency".⁷ If the NTSC station in such a situation is a translator or LPTV station there can be no assurance that a the "full service" DTV station will cooperate in referencing its frequency to a common source. The NTA believes there should be a mandatory and unequivocal requirement for such cooperation.

The NTA requests that in the event a translator or LPTV station is required to maintain the specified frequency separation from an upper adjacent DTV station with the +/- 3 Hz tolerance the DTV station be required to cooperate in making the necessary arrangements and that each station bear any special costs relating to its own transmitter and that any common costs such as the basic frequency source used equally by both be shared equally. Further, if the NTSC translator or LPTV station is required to maintain an offset, the full service DTV station should be required to accomodate this requirement.

Respectfully submitted,
The National Translator Association



Byron W. St. Clair

President

June 15, 1997

Office of the President

2355 Ranch Drive

Westminster, CO 80234

303 - 465 - 5742

FAX 303-465-4067

E-mail: stcl@aol.com

⁷Sixth Report and Order in this docket, ¶195